

**Response to Comments**

City of Los Angeles Sanitation and Environment (LASAN)  
Hyperion Water Reclamation Plant (Hyperion WRP)

Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (Tentative)  
NPDES No. CA0109991

**Comment Letter dated September 29, 2022 and November 14, from LASAN**

#	Comments	Response	Action Taken
A1	<p><b>Table 5. Effluent limitations and Performance Goals for Discharge Point 002, page 10.</b> The Los Angeles Water Board (Board) incorrectly determined that Copper has reasonable potential. Therefore, LASAN requests that the Copper limit be removed.</p> <p>According to Attachment F, Section 5.3.4 (Page F-40 to 41) of this Tentative Order, the need for effluent limitations are based on the Water Quality Objectives (WQO) in Table 3 of the 2019 Ocean Plan. For Copper, there are three WQO[s] for the protection of marine life: 1) 6-Month Median (3 mg/l); 2) Daily Maximum (12 mg/l); and 3) Instantaneous Maximum (30 mg/l).</p> <p>To determine the reasonable potential for Copper, the Board used the accepted RPCalc Method (Software version 2.2) which followed the procedure described in Appendix VI of the 2019 Ocean Plan. The RPCalc Method is a statistical analysis which requires the following information to be entered into the software</p>	<p>The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) and United States Environmental Protection Agency (USEPA) Region 9 disagree with using the calculated monthly average copper effluent concentrations as data input for the Reasonable Potential Analysis (RPA) using RPCalc.</p> <p>Appendix VI of the 2019 Ocean Plan does not recommend first calculating the monthly average effluent data before inputting the data. Instead, Appendix VI of the 2019 Ocean Plan requires using all representative information to characterize the pollutant in the discharge. The 2019 Ocean Plan Appendix VI and the contents herein have been consistently applied across all NPDES permits that discharge to the Pacific Ocean issued by the Los Angeles Water Board. Using calculated effluent monthly average concentrations for the RPA would fail to capture the discharge quality variability to its fullest extent.</p>	None necessary.

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	<p>program: 1) the applicable WQO; 2) effluent data from April 2017 to September 2021 for both outfalls (001 and 002); 3) Copper background concentration; and, 4) the minimum initial dilution ratios of 13:1 for 001 and 84:1 for 002.</p> <p>In running the RPCalc method for the 6-month Median, the Board entered all individual copper effluent data from April 2017 to September 2021. However, there were at least four months wherein multiple samples were collected and analyzed during the month. The proper procedure should have been that during those months the Board should have calculated the monthly average first and then enter the calculated value to the RPCalc method instead of the individual effluent data. This is an important step because it ensures that each month will only have one representative effluent data. Otherwise, the months with multiple effluent data will have more weight and influence over the whole data set and will skew the result of the RPCalc statistical analysis, which happened in this case. When LASAN followed this procedure, the RPCalc method determined that Copper has no reasonable potential.</p>	<p>Furthermore, the RPA and the calculation of monthly average effluent limitations are separate steps and are not correlated.</p>	

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A2	<p><b>Table 5. Effluent Limitations.</b> LASAN seeks clarification as to why: 1.) % Effect is not included as part of the Chronic Toxicity Limits and why the MDEL is not “Pass or Fail and % Effect” and 2.) Why is there no AMEL Limit of “Pass”?</p>	<p>The threshold of 50% effect is included in chronic toxicity effluent limitations in NPDES permits for inland surface water dischargers for which no dilution credits are granted. The purpose of the 50% effect is to prevent false positives in the chronic toxicity analysis. The Hyperion WRP already receives dilution credits for its discharge, so false positives are unlikely in the chronic toxicity analysis for this discharge. Therefore, a threshold of 50% effect is not appropriate for the chronic toxicity effluent limitations for the Hyperion WRP.</p> <p>The Tentative Order only includes a maximum daily effluent limitation (MDEL) for chronic toxicity because the 2019 Ocean Plan only includes a daily maximum Water Quality Objective for chronic toxicity. Since the 2019 Ocean Plan does not include a monthly average water quality objective for chronic toxicity, an average monthly effluent limitation is not appropriate.</p> <p>In addition, if the water quality objective for chronic toxicity is modified in the Ocean Plan during the effective life of the Order/Permit, the Tentative Order also includes a reopener clause in section 7.3.1.o. that allows Order/Permit modifications when necessary to be consistent with new or revised policies.</p>	None necessary.

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A3	<p><b>Attachment D Page D-5 Section 3.</b> In the Permit adopted in 2016, Page 15, Section V, Table 7. 12-Month Average Effluent Mass Emission Benchmarks, the dichlorobenzenes (dichlorobenzenes sum and 1,4-dichlorobenzene) are indicated as BNA compounds. This was to distinguish from VOC results, since these compounds are amenable to both BNA (EPA 625.1) and VOC (EPA 624.1). The 2019 California Ocean Plan lists the three dichlorobenzenes (1,4-dichlorobenzene, 1,3-dichlorobenzene, and 1,2-dichlorobenzene) under both volatile (Page 72, Appendix II, Table II-1) and semi-volatile (Page 74, Appendix II, Table II-2).</p> <p>LASAN seeks clarification as to why BNA was removed and allow method selection based on ML requirements (Attachment D Page D-5 Section 3).</p>	<p>Dichlorobenzenes and 1,4-dichlorobenzene may also be monitored and analyzed as Base Neutral &amp; Acid (BNA) extractable semi volatile organic compounds (SVOCs); therefore, the Tentative Order/Permit was revised to make this distinction.</p>	<p>Revisions were made to Table 5, Table 7, Table E-6, Table E-7, Table F-11, Table F-13, and Attachment J of the Tentative Order/Permit.</p>
A4	<p><b>Section 6.1.1.b.ii, Page 21.</b> LASAN recommends modifying “colony forming units (CFU/100 mL)” to "<b>organisms/100 mL or bacteria/100 mL</b>" to allow LASAN apply any of the detection methods listed in Table 1A of 40 CFR part 136 for the enumeration enterococci. The units CFU/100mL implies applying detection methods that only generate CFU/100 mL units.</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to modify the unit of <i>Enterococci</i> from “colony forming units (cfu) per 100 mL” to “colony forming units (CFU) or most probable number (MPN) per 100 mL” in section 6.1.1.b.ii of the Tentative. The notation “organisms/100 mL” and “bacteria/100 mL” is not consistent with the test methods.</p>	<p>Revision was made to section 6.1.1.b.ii of the Tentative Order/Permit.</p>

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A5	<p><b>Section 7.3.5.b.ii, Page 35.</b> LASAN requests to revise "Any <b>change</b> to the program" to "Any <b>significant change</b> to the program. "Any change" is too general and broad. Only "significant change" should be reported. This will be consistent in the language in Attachment I, Section 1.4.6 which states that "A brief description of any significant changes in operating the pretreatment program..."</p>	<p>The regulations at 40 CFR 403.18 include requirements for modifying a POTW's pretreatment program. Modifications to a pretreatment program may be considered substantial or non-substantial. Substantial modifications include: 1) modifications that relax POTW legal authorities, with some exceptions, 2) modifications that relax local limits, with some exceptions, 3) changes to the POTW's control mechanism, 4) a decrease in the frequency of self-monitoring or reporting required of industrial users, 5) a decrease in the frequency of industrial user inspections or sampling by the POTW, 6) changes to the POTW's confidentiality procedures, 7) other modifications designated as substantial modifications by the Approval Authority. Approval procedures for substantial modifications are included in 40 CFR 403.8(c) and require the POTW to submit to the Approval Authority a statement of basis for the desired program modification, a modified program description, or such other documents the Approval Authority determines to be necessary under the circumstances.</p> <p>All other pretreatment program modifications that do not fit the definition of substantial modifications are considered non-substantial modifications. The approval procedures for non-substantial modifications are included in 40 CFR 403.18(d) and require the POTW to submit to the</p>	<p>Revision was made to Attachment I, section 1.4.6 and Attachment F, section 4.3.15 of the Tentative Order/Permit.</p>

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		<p>Approval Authority a statement of basis for the desired program modification, a modified program description, or such other documents the Approval Authority determines to be necessary under the circumstances.</p> <p>Both types of pretreatment program modifications require the POTW to notify the Approval Authority of the modification so the Approval Authority can determine whether the pretreatment program continues to meet the federal regulations. The main difference between substantial and non-substantial modifications is that substantial modifications require a public review process and non-substantial modifications do not. Since the federal regulations specifically require the Discharger to notify the Los Angeles Water Board of any changes to the pretreatment program, no change to the reporting procedures in this section is necessary.</p> <p>In addition, section 1.4.6. of Attachment I is a requirement of the annual pretreatment report, not a requirement any time there is a pretreatment program modification. The requirement in section 4.3.15 of the Fact Sheet describes what is required any time the Discharger makes changes to the pretreatment program. Since the annual report includes a summary of the pretreatment activities throughout the year, the annual report should also include a summary of all pretreatment</p>	

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		<p>program modifications made throughout the year. To clarify this requirement, section 1.4.6. of Attachment I is revised as follows:</p> <p><i>A brief description of any <del>significant</del> changes in operating the pretreatment program which differ from the previous year including, but not limited to, changes concerning the program's administrative structure, local limits, monitoring program or monitoring frequencies, legal authority, enforcement policy, funding levels, or staffing levels;</i></p> <p>In addition, since the approval procedures for significant and nonsignificant changes are different, the Tentative Order was revised in Attachment F, section 4.3.15 as shown below for clarification:</p> <p><i>Any change to the Pretreatment Program shall be reported to the Los Angeles Water Board in writing and shall <del>be not become effective until approved by the Executive Officer</del> in accordance with procedures established in 40 CFR § 403.18.</i></p>	
A6	<p><b>Section 7.3.7.a.ii, Page 36-37.</b> LASAN understands that [the] permittee shall notify the listed agencies. However, LASAN will notify the entities listed in Section 7.3.7 (page 37) but reserves the right to notify any interested persons on a case-by-case basis.</p>	<p>LASAN shall maintain an email list of interested persons, including but not limited to South Coast Air Quality Management District (AQMD), City of El Segundo, and Heal the Bay. These three agencies have notified the Los Angeles Water Board that they would like to be included in the initial notification following a spill, overflow, or</p>	None necessary.

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		<p>bypass. The interested persons also include those that have requested such notifications, including individual citizens. LASAN may include additional interested persons that have not requested initial notification of such events on a case-by-case basis, but if any interested person has requested to be included in the initial notifications, LASAN shall include those interested persons in each initial notification for transparency.</p>	
A7	<p>Section 10, Chronic Toxicity, Page 44. LASAN recommends to change the IWC calculation from <b>1.04% to 1.03%</b>.</p> <p>The Dilution ratio for chronic toxicity is 96:1 (96 parts seawater to 1 part effluent). Total parts is then equal to 97. 1 part effluent out of 97 total parts equals 1.03%. IWC for the discharge should be 1.03% instead of 1.04%.</p>	<p>The in-stream waste concentration is defined in the <i>National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document</i> (EPA 833-R-10-003, June 2010) as the inverse of the dilution factor. There are multiple methods of calculating a dilution factor; however, the Ocean Plan uses the dilution factor in terms of parts receiving water to parts effluent rather than total volume to parts effluent calculated by CORMIX. Since the dilution factor is 96 for Discharge Point 002, the inverse of the dilution factor is <math>1/96 = 0.0104</math> which translated to 1.04%.</p>	None necessary.
A8	<p><b>Attachment C-1 Process Flow Diagram, Page 61.</b> LASAN is attaching the most up to date version of the PFD. The revised PFD included the following changes:</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to update the process flow diagram in Attachment C-1.</p>	Revision was made to Attachment C-1 of the

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	<p>1. Added another bypass flow from the Primary Thickening Centrifuges to Intermediate TWAS Wet well.</p> <p>2. Added Polymer Flows to the Primary Thickening, WAS Thickening, and Biosolids Dewatering Centrifuges.</p>		Tentative Order/Permit.
A9	<p><b>Attachment D, Section 5.5.1, Page D-9.</b>  LASAN seeks clarification as to how the reporting should be made to the LARWQCB and USEPA (electronically or by mail).   In addition, when submitting documents to the USEPA, should LASAN use the email listed in the permit (R9NPDES@epa.gov) for all USEPA electronic submissions?</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to modify this section to clarify the reporting requirements. This notification shall be made by telephone and electronically via email rather than regular mail to expedite review of the noncompliance.</p>	<p>Revision was made to Attachment D, section 5.5.1</p>
A10	<p>Attachment D, Section 5.5.1, Page D-9.  LASAN requests to add the word “<b>working</b>” to the following language:   <i>A report shall also be provided within five(5) working days of the time the Permittee becomes aware of the circumstances.</i>   The designation of "working" days is used earlier in the Permit for Spill Reporting page 38 Section 7.3.7.c.ii and is also used in the Biosolids Attachment, page H-4, Notification of Non-compliance 7.1.</p>	<p>Section 5.5.1 of Attachment D states, “...A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances...” The five days is intended to include holidays and weekends. This ensures the notification of any noncompliance to the Los Angeles Water Board will be expedited so that the Los Angeles Water Board and USEPA can take any necessary actions to protect human health or the environment. No change is needed.</p>	<p>None necessary.</p>

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A11	<p><b>Attachment E, Section 1.1, Page E-3.</b>  LASAN recommends going back to the 2017 language:</p> <p><i>“All samples shall be representative of the waste discharge under conditions of peak load. Quarterly influent and effluent analyses shall be performed during the first quarter (January, February, and March), the second quarter (April, May, and June), the third quarter (July, August, and September), and the fourth quarter (October, November, and December). Semiannual influent and effluent analyses shall be performed during the first quarter (January, February, and March) and third quarter (July, August, and September). Annual analyses shall be performed during the third quarter (July, August, and September). Should there be instances when monitoring could not be performed during these specified months, the Permittee must notify the Regional Water Board and USEPA, state the reason why monitoring could not be conducted, and obtain approval from the Executive Officer for an alternate schedule. Results of quarterly, semiannual, and annual analyses shall be reported by the due date specified in Table E-16 of the MRP.”</i></p> <p>The 2017 Permit contains sampling stipulations that allow for flexibility when scheduling and planning for unforeseen events</p>	<p>The revisions to this section were intended to provide flexibility to the discharger while also ensuring the monitoring is representative of each monitoring period; however, the Los Angeles Water Board and USEPA Region 9 understand the complexities involved with coordinating multiple monitoring programs. The Los Angeles Water Board and USEPA Region 9 prefer quarterly and semiannual samples to be collected during different seasons to monitor potential trends throughout the year; however, this may not always be possible. The Tentative Order/Permit was revised to provide the permittee additional flexibility while continuing to ensure seasonal variability is considered when scheduling the monitoring.</p>	<p>Revisions were made to Attachment E, section 1.1 of the Tentative Order/Permit.</p>

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	<p>such as organism availability, sample QA/QC failures, staffing, or scheduling conflicts between units. Flexibility also allows for sampling and workload for multiple plants to be spread-out in the quarter.</p> <p>In addition, section 1.1 limits the sampling event frequency but section 1.12 requires any additional sampling events to be reported and used in compliance determinations, regardless of frequency.</p>		
A12	<p><b>Table E- 5, Page E-16.</b> LASAN requests updating the following monitoring location names to avoid confusion because LASAN have a trawl station "Z4" that could be confused with bioaccumulation station Z4 (Zone 4).</p> <p>Change RW-BA-Z4 to RW-BA-Zone 4  Change RW-BA-Z5 to RW-BA-Zone 5  Change RW-BA-NF to RW-BA-Nearfield</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree.</p>	<p>Revisions were made to Table E-5 of the Tentative Order/Permit.</p>
A13	<p><b>Attachment E, Section 3.1, Page E-23.</b> LASAN seeks clarification on what the sentence "<i>The Discharger shall monitor influent to the facility at INF-001, INF-002, INF-003, INF-004, and INF-005</i>" means.</p> <p>Currently, the practice is to sample each influent location (grab or composite), analyze</p>	<p>Hyperion WRP receives influent from five different sewers and the quality of the sewage from each sewer provides valuable information that can be used for source control. Influent monitoring data at each individual influent station helps identify the location of water quality issues that may arise within the Hyperion WRP sewershed. Since the information provided from</p>	<p>None necessary.</p>

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	<p>them individually, and calculate and combine the results into one influent value. This practice is very costly because the laboratory has to analyze five samples. Instead, LASAN recommends to have [sic] the flexibility to combine the five influent samples into one composite sample and conduct the analysis. This proposed method will significantly save the City's resources.</p>	<p>this data is valuable in tracking the source of pollutants within the sewershed, it is not appropriate to combine the influent from each monitoring location prior to data analysis.</p>	
A14	<p><b>Attachment E, Table E-6, Page E-24.</b> LASAN requests to change the influent monitoring frequency of Cyanide from "Quarterly" to "Semiannually" as all test results are non-detect.</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree.</p>	<p>Revision was made to Table E-6 of Attachment E.</p>
A15	<p><b>Attachment E, Table E-6, Page E-25.</b> LASAN requests to change the influent monitoring frequency of Nitrobenzene from "Quarterly" to "Semiannually" as all test results are non-detect.</p>	<p>The influent monitoring for nitrobenzene was included in the Tentative Order/Permit because nitrobenzene was detected at INF-003 in January and July of 2022. Since the detections were both below the water quality objectives for nitrobenzene in the 2019 Ocean Plan, the Los Angeles Water Board and USEPA Region 9 agree to revise the influent monitoring frequency of nitrobenzene from "Quarterly" to "Semiannually."</p>	<p>Revision was made to Attachment E, Table E-6.</p>
A16	<p><b>Attachment E, Table E-6, Page E-24 Table E-7, Page E-29.</b> LASAN requests to change the influent and effluent monitoring frequency</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree.</p>	<p>Revision was made in Table E-6 and Table</p>

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	of Endosulfans from “Quarterly” to “Semiannually” as all influent and effluent test results are non-detect		E-7 of Attachment E.
A17	<p><b>Attachment E, Section 4.3, Table E-8, Page E-33 – E-35.</b> LASAN recommends to identify [sic] all Flame Retardants and PFAS and group them in a different section to avoid ambiguity of parameters.</p> <p>LASAN also requests that the Los Angeles Water Board explain its rationale as to why flame retardants have to be sampled twice/year as opposed to only once/year.</p>	<p>Flame retardants includes two categories of chemical compounds: brominated diphenyl ethers and organophosphate esters. The flame-retardant compounds within LASAN’s 2020 Constituents of Emerging Concern (CECs) special study that was approved by Resolution No. R20-002 should, at a minimum, be analyzed in this permit. Table E-8 was modified to be consistent with the flame retardants contained in the LASAN 2020 CECs special study.</p> <p>Per- and polyfluoroalkyl substances (PFAS) includes fluorinated organic compounds such as Perfluorodecanoic acid (PFDA), Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) compounds, etc. The Environmental Laboratory Accreditation Program (ELAP) accredited method for each group of compounds specifies which specific analytes will be measured and reported. All analytes that can be measured using the selected ELAP-accredited method shall be analyzed. Table E-8 was modified to clarify the monitoring requirements for PFAS.</p> <p>Los Angeles Water Board and USEPA Region 9 have consulted with National Marine Fisheries Service (NMFS), and have determined that</p>	Revisions were made to MRP section 4.3 of the Tentative.

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		LASAN can monitor for flame retardants once per year. MRP Section 4.3 of the Tentative was revised to update the monitoring requirements for flame retardants and PFAS.	
A18	<b>Table E-8, footnote b, Page E-35.</b> LASAN requests to add additional directive as to whether or not there should be a sampling interval in sampling collection in the event that sampling in wet weather is unachievable.	See response to Comment #A17. Wet-weather monitoring requirements are not required for flame retardants and PFAS in the Revised Tentative Order/Permit.	None necessary.
A19	<b>Attachment E, Table E-8 Footnote, letter e, Page E-35.</b> LASAN requests to use “Department of Defense’s Quality Systems Manual (version 5.1 or later), Table B-15” as opposed to USEPA Method 537.1, as this is not an accepted method in California for wastewater analysis.	Los Angeles Water Board and USEPA Region 9 agree that Method 537.1 is not the appropriate analytical method for detecting PFAS compounds in non-potable water. LASAN is correct that ELAP currently only offers accreditation in one method for PFAS analysis in non-potable waters - DOD QSM 5.1 (or higher). This DOD QSM analytical method is very similar to USEPA draft Method 1633 and will provide reliable measurements of PFAS compounds. In December 2022, USEPA completed multi-laboratory validation process for Method 1633 for wastewater; however, to date ELAP has not yet offered accreditation of this method. Los Angeles Water Board and USEPA Region 9 have modified the Tentative Order/Permit to include DOD QSM 5.1 or higher, or other ELAP accredited methods for monitoring PFAS compounds. ELAP’s accreditation of Method	Revisions were made to Table E-8 footnote e of the Tentative Order/Permit.

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		1633 is anticipated in the future, but the timing is uncertain.	
A20	<p><b>Section 5.3, Paragraph 1, Page E-37 2. Table E-11, Page E-45.</b> LASAN requests to replace the unit for salinity from “PPT” to “PSU”. The “ppt” unit is used to refer to “Knudsen salinities” and is not used since 1978 when a new salinity scale was developed based on electrical conductivity - the Practical Salinity Scale (PSS-78). This is the international standard of how salinity is measured and reported. It is reported using the suffix “PSU” (practical salinity unit), which is technically not a unit, as practical salinity is dimensionless.</p>	Appendix I of the 2019 Ocean Plan specifies that salinity shall be measured using a standard method approved by the regional water board (e.g., Standard Method 2520 B, EPA Method 120.1, EPA Method 160.1) and reported in parts per thousand (ppt). Therefore, the requirement to report salinity in ppt is consistent with the 2019 Ocean Plan.	None necessary.
A21	<p><b>Attachment E, Section 5.4, Page E-37.</b> LASAN recommends that the Los Angeles Water Board revise the language because the new requirement may not be feasible to accomplish.</p> <p><i>“For continuous dischargers, species sensitivity screening includes four sets of valid tests completed in the span of one year, with one set collected in each of the four quarters.”</i></p> <p>Working with larval animals (i.e., animals that have to spawn, etc.) is something that is out of the control of the analyst and therefore, setting the new species screening language may not</p>	Section 11 of Appendix III of the 2019 Ocean Plan requires that for point sources, a minimum of three test species with approved test protocols be used to measure compliance with the toxicity objective; however, the 2019 Ocean Plan gives the regional water boards discretion in determining the appropriate frequency for species sensitivity screening. The species sensitivity screening frequency has been reduced from every 24 months in the 2017 Order/Permit to once at least 18 months prior to the expiration date of the Order/Permit. The Tentative Order/Permit also only requires the	None necessary.

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	<p>be achievable. Despite the screening stating it is four tests over a year this could add numerous more tests over the 18-month period, possibly obtaining samples per month to meet this requirement. The Toxicity Provisions state that for continuous dischargers a “species [sensitivity] screening includes four sets of testing, with a set of testing conducted in each quarter of a year” but it does not specify or stipulate four sets of <u>valid</u> tests.</p>	<p>species sensitivity screening to be <i>initiated</i> at least 18 months prior to the expiration date of the Order/Permit. The actual time frame needed to conduct all 12 valid tests may be less than or greater than 18 months depending on the circumstances. The Los Angeles Water Board and USEPA Region 9 determined that conducting the species sensitivity screening over the course of a full year is appropriate to account for seasonal variations in water quality.</p> <p>In order to properly assess the sensitivity of the three species being tested, all 12 tests conducted to determine species sensitivity must be valid. If a test is deemed invalid, there is no way to determine if the species used in that test can be considered more or less sensitive than any other species used in the screening. Requiring that all tests used in the screening process to be valid ensures that each species will be fairly represented in the screening process and that the data used to determine the most sensitive species is reliable.</p>	
A22	<p><b>Attachment E, Section 5.7, Page E-41.</b> LASAN seeks rationale as to why accelerated monitoring tests is increased from four to six. There was no change in the language in the 2012 versus the 2019 Ocean Plan and therefore, four additional tests conducted at approximately 2 week intervals over an 8-</p>	<p>The 2019 Ocean Plan, Appendix III, section 7.1 requires six additional toxicity tests within a 12-week period if an exceedance of the toxicity occurs. The language was modified from the 2017 Order/Permit to be consistent with the 2019 Ocean Plan.</p>	None necessary.

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	week period should be reinstated as what was stated in the 2017 permit.		
A23	<p><b>Attachment E, Section 8.2.1, Page E-45.</b>  LASAN requests to update offshore stations from 54 to 55 stations. The total offshore stations are 55 including both 3505 and 3505B.</p>	The Los Angeles Water Board and USEPA Region 9 agree to the make the requested revision.	Revision was made to Attachment E, section 8.2.1.
A24	<p>1. Attachment E, footnote “c” of Table-E-11; and section 8.2.2., paragraph 2 (Page E-46 – E-47)</p> <p>2. Attachment E, Table-E- 12 and footnote “a” of Table-E-12.</p> <p>LASAN suggests removal of Total coliform from Table E-11; footnote “c” of Table E-11; and section 8.2.2., paragraph 2 (page E-47) and Table E-12 and footnote “a” The total coliforms monitoring is required for the compliance of shellfish harvesting standards. However, section 8.2. does not require bacteriological monitoring to meet shellfish harvesting standards for Offshore water quality stations. Language in section 8.1. “Inshore Water Quality Monitoring,” on the other hand, does require Inshore water quality stations meet shellfish harvesting standards.</p>	Section II.B.2. of the 2019 Ocean Plan requires that the total coliform bacteria objectives be met at all areas where shellfish may be harvested for human consumption. Shellfish harvesting is an existing beneficial use for both the nearshore zone and offshore zone, and therefore total coliform monitoring is required offshore. Additional language was added to section 8.2 to clarify that this offshore monitoring is also required to determine if shellfish standards are being met.	Revision was made to Attachment E, section 8.2.

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A25	<p><b>Attachment E, Footnote “a” for Table E-12, Page E-48.</b> LASAN seeks correction on Footnote “a” for Table E-12. Footnote a refers to a parameter (ammonia nitrogen) not in the Table E-12. Also, monitoring depths listed &gt;15m are inconsistent with the monitoring locations for 1-Mile Outfall (Discharge Point 001).</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to remove ammonia nitrogen in the footnote for offshore monitoring since it is not a monitoring requirement in the table. Regarding the sampling depth requirement, footnote a in the Tentative Order/Permit specifies that sampling shall be performed as deep as practicable if stations are located at depths less than 45 meters. Since these stations are also less than 30 meters, the language in the footnote was revised to indicate that it is preferred to have samples from 30 and 45 meters, but if it is not possible to reach these depths, the samples shall be monitored as deep as practicable.</p>	<p>Revisions were made to Attachment E, section 8.2, Table E-12, footnote a of the Tentative Order/Permit.</p>
A26	<p><b>Attachment E, Table E-13, Page E-51.</b> LASAN recommends changing the units of PCBs Aroclors, PCBs Congeners, and Organophosphate (OP) Pesticides units to ug/kg to match the way HWRP results have always been reported in the past. Additionally, this will standardize with HWRP requirements for consistency and continuity of LASAN’s data management.</p>	<p>To maintain consistency with monitoring data from the 2017 Order/Permit, the Los Angeles Water Board and USEPA Region 9 revised the units for PCBs as aroclors and congeners, DDTs, and OP pesticides from mg/kg to µg/kg for Benthic Infauna and Sediment Chemistry Monitoring to be consistent with the previous Order/Permit.</p> <p>In addition, units for DDTs and PCBs as aroclors/congeners were also revised to µg/kg for Bioaccumulation Monitoring to maintain consistency with monitoring data from the 2017 Order/Permit.</p>	<p>Revisions were made to Attachment E, section 8.3.1, Table E-13 and Table E-14 of the Tentative Order/Permit.</p>

#	Comments	Response	Action Taken
A27	<p><b>Attachment E, Footnote “a” for Table E-13, Page E-51.</b> Tables E-13, 14, and 15 listed chemistry monitoring requirements for tissue and sediment samples. Footnote “a” for Table E-13 and footnote “b” for Tables E-14 and E-15 cited 40 CFR § 136 as guidance for determining appropriate test methods. However, there are no methods listed within 40 CFR § 136 relating to solid analytical methods. Additionally, the footnote states ML selection based on Appendix II of the Ocean Plan. MLs listed within that document relate to liquid sample analysis.</p> <p>Therefore, LASAN suggests revising the language to:</p> <p><i>“Sediment Chemistry Pollutants shall be analyzed using analytical methods appropriate for solid matrices, such as those described in EPA SW-846, Test Methods for Evaluating Solid Waste: Physical / Chemical Methods Compendium; or where no methods are specified for a given pollutant, by methods approved by the Los Angeles Water Board, the State Water Board, and USEPA Region 9.</i></p> <p>“</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree with revising footnote a as follows:</p> <p><i>a. Pollutants shall be analyzed using the analytical methods <u>appropriate for solid matrices such as ELAP-accredited methods from USEPA SW-846 or other methods described in 40 CFR § 136</u>; or where no methods are specified for a given pollutant, by methods approved by the Los Angeles Water Board, the State Water Board, and USEPA Region 9. For any pollutant whose effluent limitation is lower than all the MLs specified in Appendix II of the Ocean Plan, the analytical method with the lowest ML must be selected.</i></p>	<p>Revisions were made to Attachment E, Table E-13, E-14, and E-15.</p>
A28	<p><b>Attachment E Table E-15, Page E-57.</b> Rig fishing should be completed every other year. LASAN recommends changing “Annually</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree.</p>	<p>Revisions were made to Attachment E, section 8.4.3.b</p>

#	Comments	Response	Action Taken
	<p>during years 1, 3, and 5” to “Annually, every other year”.</p> <p>Annually during years 1, 3, 5 may result to monitoring two years in a row from year 5 to year 1.</p>		<p>of the Tentative Order/Permit.</p>
A29	<p><b>Attachment E, Section 8.5, Page E-60.</b>  LASAN requests to add other methods available to complete the kelp survey and reduce the monitoring from quarterly to three times a year.</p> <p>Improved technology opens the possibility of completing kelp surveys using satellite imagery or other method which may replace overflight photos.</p> <p>In addition, surveys are now completed 3 times per year instead of “quarterly” due to increased costs for aerial flights. Therefore, “quarterly” should be updated to three times a year.</p> <p>Lastly, LASAN recommends revising the language to:</p> <p><i>“The CRKSC design is based upon measures of kelp canopy using aerial imagery, satellite imagery, or other appropriate remote sensing.”</i></p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to revise the kelp survey design description as follows:</p> <p><i>The CRKSC design is based upon <del>quarterly</del> measures of kelp canopy <u>using aerial imagery, satellite imagery, or other appropriate remote sensing method extent using aerial imaging as determined appropriate by the CRKSC.</u></i></p>	<p>Revisions were made to section 8.5 of the MRP.</p>

#	Comments	Response	Action Taken
A30	<p><b>Attachment E, Section 10.4.5, Page E-69.</b>  LASAN requests that the language from the 2017 Permit for the Biennial Assessment Report be reinstated to the Tentative Permit:</p> <p><i>“The first assessment report shall be due August 1, 20XX, and cover the sampling periods of January-December 20XX and January-December 20XX. Subsequent reports shall be due August 1, 20XX, and August 1, 20XX to cover sampling periods from January 20XX to December 20XX and January 20XX to December 20XX, respectively.”</i></p>	<p>The due dates for Receiving Water Biennial Reports were omitted from this section because the due dates are specified in Table E-16 in section 10.2.3 of Attachment E of the Tentative Order/Permit.</p>	<p>None necessary.</p>
A31	<p><b>Attachment F, section 4.3.15, Page F-30.</b>  LASAN recommends adding the word “<b>substantial change</b>” to the section in order to be consistent with the provision stated in Attachment I, section 1.5.</p> <p><i>“Any substantial modifications to the approved Pretreatment Program, as defined in 40 CFR § 403.18(b)....”</i></p>	<p>See response to Comment #A5.</p>	<p>None necessary.</p>
A32	<p><b>Attachment F, Section 3.7, Page F-23.</b>  LASAN requests to revise the language to:</p> <p><i>Construction tasks for the HAWPF are scheduled to be completed by <u>March 2023</u> <del>May 2024</del>. <del>The advanced treated water produced at the HAWPF will be beneficially reused at LAX and onsite at the Hyperion</del></i></p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to the revise the language regarding the Hyperion Advanced Water Purification Facility (HAWPF). In addition, a description of the anticipated wet-weather treatment capacity by 2035 was added.</p>	<p>Revisions were made to Attachment F, section 3.7 of the Tentative Order/Permit.</p>

#	Comments	Response	Action Taken
	<p><del><i>WRP for landscape irrigation, dual-plumbed systems, cooling processes, flushing of toilet and sanitary sewers, and other uses permitted under Title 22 of the California Code of Regulations year-round. The HAWPF will produce advanced-treated recycled water that will support several non-potable uses, including cooling tower make-up water and dual plumbing at LAX and boiler feed water and other industrial uses within HWRP. Potential future uses include odor scrubbing, toilet flushing, and irrigation (HWRP landscape) within HWRP; and vehicle washing, firefighting, street sweeping, dust control, irrigation (City tree maintenance), and sewer flushing at various locations throughout the City and by various City agencies.</i></del></p>		
A33	<p><b>Attachment F, Section 5.7, Page F-57.</b>  LASAN requests to revise the language to:  <del><i>"The HAWPF is currently under construction and will produce and supply highly purified recycled water for non-potable uses such as landscape irrigation and dual plumbed systems to the Los Angeles International Airport (LAX) and on-site at the Hyperion WRP. The recycled water will be distributed to LAX for cooling tower make-up water and for toilet flushing and a portion of the recycled water will be used for boiler feed-water and</i></del></p>	<p>The Los Angeles Water Board and USEPA Region 9 agree to the revise the language regarding the HAWPF. In addition, a description of the anticipated wet-weather treatment capacity by 2035 was added.</p>	<p>Revisions were made to Attachment F, section 5.7 of the Tentative Order/Permit.</p>

#	Comments	Response	Action Taken
	<p><u>other non-potable uses within HWRP. Additional future non-potable uses for the recycled water include odor scrubbing, toilet flushing, sewer flushing, irrigation (HWRP landscape and City tree maintenance), vehicle washing, firefighting, street sweeping, and dust control. Details of the HAWPF can be found in Fact Sheet section 3.7.</u></p>		
A34	<p><b>Table 5 Effluent Limitations and Performance Goals, Page 10.</b> LASAN recommends adding footnote “g” in Table 5- Effluent Limitations and Performance Goals for Discharge Point 002 for Copper under the “Notes” column.</p>	<p>To be consistent with the 6-month median water quality objectives in the 2019 Ocean Plan, the Los Angeles Water Board and USEPA Region 9 agree to express the new copper effluent limitations at Discharge Point 002 as 6-month median effluent limitations. A brief explanation was also added to the Tentative Order/Permit Fact Sheet section 5.3.3.</p> <p>To be consistent with the anti-backsliding provisions and to be consistent with the Fact Sheet section 5.4.3, this footnote was removed from Table 6 effluent limitations for Discharge Point 001.</p>	<p>Revisions were made to Table 5 and of the Order, Table F-11 and section 5.3.3 of the Fact Sheet.</p>
A35	<p><b>Section 8.17.2, Page 47.</b> LASAN recommends separating section 8.17.3 as another section.</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree.</p>	<p>Revision was made to section 8.17 of the Tentative Order/Permit.</p>

#	Comments	Response	Action Taken
A36	<b>Attachment E, Section 4.4, Page E-36.</b> LASAN requests an update of Table E-6 to Table E-7 for effluent monitoring.	The Los Angeles Water Board and USEPA Region 9 agree.	Revision was made to Attachment E, section 4.4 of the Tentative Order/Permit.
A37	<b>Attachment E, Section 8.3.1, Page E-48.</b> LASAN requests an update of Table E-12 to Table E-13.	The Los Angeles Water Board and USEPA Region 9 agree.	Revision was made to Attachment E, section 8.3.1 of the Tentative Order/Permit.
A38	<b>Attachment E, Section 8.3.1, Page E-49.</b> LASAN requests an update of the following monitoring stations: 1. C7 should be C7B 2. C9B should be C9C	The Los Angeles Water Board and USEPA Region 9 agree to modify C7 to C7A and C9B to C9C to be consistent with Table E-3. Modification of Monitoring Station C9B to C9C and C7 to C7A were approved by Los Angeles Water Board Executive Officer on August 10, 2021 due to the installation of telecommunications cables. Los Angeles Water Board staff confirmed with LASAN on January 12, 2023 that the request to modify C7 to C7B was a typo, and C7 should be modified to C7A instead.	Revisions were made to Attachment E, section 8.3.1 of the Tentative Order/Permit.
A39	<b>Attachment E, Section 8.4.3.b, page E-57.</b> LASAN recommends to capitalize all common fish names including Kelp Bass, Bocaccio, Black Perch, White Seaperch, Walleye	The Los Angeles Water Board and USEPA Region 9 agree.	Revisions were made to Attachment E, section 8.4.3.b

#	Comments	Response	Action Taken
	Surfperch, White Croaker, Black Croaker, White Seabass, Ocean Whitefish, Opaleye, Blacksmith.		of the Tentative Order/Permit.
A40	<b>Attachment F, Section 3.1, Page F-10.</b> LASAN requests that the Los Angeles Water Board delete the Terminal Island Treatment Service Area (TISA) [from [the list of contract cities and agencies] as TISA is not part of the HSA nor it is a contract agency.	The Los Angeles Water Board and USEPA Region 9 agree.	Revision was made to Attachment F, section 3.1 of the Tentative Order/Permit.
A41	<b>Attachment F, Footnotes for Table F-11, Footnotes “l” and “m”, Page F-54.</b> LASAN requests to correct footnote “l” to “k” and footnote “m” to “l”.	The Los Angeles Water Board and USEPA Region 9 agree to update the footnotes for Table F-11.	Revisions were made to Attachment F, Table F-11 of the Tentative Order/Permit.
A42	(Dated November 14, 2022) On behalf of the City of Los Angeles Sanitation and Environment (LASAN) for the Hyperion Water Reclamation Plant (WRP), LASAN provides these additional comments on the above-referenced permit renewal proceeding. At the October 13, 2022 public meeting, comments were made about odor concerns asserted to be related to Hyperion operations. The suggestion was made that odor monitoring requirements could be included in the renewed wastewater permit. Odor	The Los Angeles Water Board and USEPA Region 9 agree that odor issues may fall under the South Coast Air Quality Management District jurisdiction. However, the Los Angeles Water Board may also regulate odors as a nuisance under the California Water Code, and under its Basin Plan (see, e.g., Water Code section 13050(m) defining nuisance as including anything that is “indecent or offensive to the senses,” and Water Code section 13304; see, also, the Los Angeles Water Board’s Basin Plan, Ch. 3, which regulates nuisance conditions in	Revisions were made to section 10.1.3 of the MRP.

#	Comments	Response	Action Taken
	<p>concerns are being fully addressed in a separate proceeding and are not appropriate to address in the renewed wastewater permit. See South Coast Air Quality Management District Findings and Decision for a Stipulated Order for Abatement, Case. No. 1212-40 (Sept. 14, 2022).</p>	<p>many of its water quality objectives (see, e.g., Taste and Odor, p. 3-44).  Section 7.1.2. of the Tentative Order/Permit includes a prohibition on odors, vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities and/or spills, bypass, or overflow of sewage sludge. To ensure this prohibition is being met, section 10.1.3. of the Tentative Order/Permit MRP was revised to require reporting of odor complaints that demonstrate noncompliance with the Order/Permit prohibitions as follows:</p> <p><i><u>This section shall clearly list all non-compliance with discharge requirements, as well as all excursions of effluent limitations, and other noncompliance issues, including, but not limited to a report of any odor complaints that demonstrate noncompliance with odor prohibitions (section 7.1.2.b), a report of any power outage or use or failure of alternate power source (section 7.3.4.b), and the resolution of any non-compliance.</u></i></p>	

**Comment Letter dated September 29, 2022, from the Heal the Bay, Los Angeles Waterkeeper, and Surfrider Foundation (South Bay and Los Angeles Chapters)**

#	Comments	Response	Action Taken
B1	<p>Section 7.3.7 of the Order. We request that section 7.3.7.a.ii be adjusted to include the general public under the list of interested persons (via sign posting, social media, and/or any other outreach tools that Hyperion prefers), and that notification of all interested persons occur as soon as possible, but not later than two hours after becoming aware of the release. If a notification is provided to Cal OES within that period, it should be possible to include all interested persons in that notification process.</p>	<p>The Los Angeles Water Board and USEPA Region 9 agree that the public needs to be notified as soon as possible following the release of reportable amounts of hazardous substances or sewage for the protection of public health. As such, individuals of the general public have the option of requesting spill notification and being included in the email list of interested persons.</p> <p>In addition, as part of LASAN's emergency communications protocols, media updates, social media postings, and community notices are generated to update the public regarding spills. This process is further augmented by the Los Angeles Emergency Management Department's NotifyLA Emergency Alert System.</p> <p>To reinforce what LASAN already has in place, the Tentative Order/Permit was revised to ensure LASAN conducts public outreach as part of their emergency communication protocols when a spill occurs.</p>	<p>Revisions were made to section 7.3.7.a.ii.</p>
B2	<p>To ensure that this requirement is met moving forward, the Regional Board should require within this Tentative Permit that Hyperion provide a</p>	<p>Section 7.3.7 of the Tentative Order/Permit establishes requirements for LASAN to follow when spill events occur. In addition, section</p>	<p>None necessary.</p>

#	Comments	Response	Action Taken
	<p>detailed spill reporting protocol to the Board within 6 months of permit approval, to be posted as an additional public resource on the Regional Board website page for the Hyperion facility's NPDES permit.</p>	<p>7.3.3.b. of the Tentative Order/Permit already includes a requirement to submit a Spill Clean-up Contingency Plan (SCCP) within 90 days of the effective date of the Order/Permit. The SCCP must describe the activities and protocols to address the clean-up of spills, overflows, and bypasses of untreated wastewater from the Discharger's collection system or treatment facilities. Since the SCCP is a reporting requirement, it will be uploaded to the California Integrated Water Quality System (CIWQS) by the Discharger, which is accessible via the Los Angeles Water Board's website as a public resource. Since the SCCP requirement addresses the concerns in the comment, no additional changes are necessary.</p>	
B3	<p>Under section 7.1.2.c of the Tentative Permit, Hyperion is required to be "adequately protected against damage resulting from overflow, washout, or inundation from a storm or flood having a recurrence interval of once in 100 years." While the events leading to the July 2021 sewage spill were not a 100-year flood, the resulting spill indicates that Hyperion was not adequately protected for the potential event of a 100-year flood, as required. We urge the Regional Board to require preparation to ensure adequate protection, as a provision of the Tentative Permit and as a consideration within</p>	<p>Section 7.1.2.c of the Tentative Order/Permit requires LASAN to adequately protect all its facilities used for collection, transport, treatment, or disposal of wastes against damage resulting from overflow, washout, or inundation from a storm or flood having a recurrence interval of once in 100 years. The Tentative Order/Permit does not specify how LASAN must achieve such protection because the Los Angeles Water Board is prohibited from specifying the manner of compliance per section 13360 of the California Water Code. In</p>	<p>Revisions were made to section 7.3.4.d and section 7.1.2.c of the Tentative Order/Permit, section 10.4.12 of the MRP, section 4.4.1 of the Fact Sheet, and section</p>

#	Comments	Response	Action Taken
	the Climate Change Effects Vulnerability Assessment and Mitigation Plan.	<p>in addition to specifying how the Hyperion WRP is protected against flooding, the Climate Change Plan required in section 7.3.4.d of the Tentative Order/Permit must also identify new or increased threats to the sewer system resulting from climate change and the projected upgrades to the existing assets or new infrastructure projects.</p> <p>Additional language has been added to section 7.3.4.d of the Order/Permit to clarify these requirements, and the language in section 10.4.12 of the MRP and section 4.4.1 of the Fact Sheet were also updated to be consistent with this change. Section 7.1.2.c of the Order and section 1.10 of Attachment H were also revised to clarify the definition of a 100-year storm/flood.</p>	1.10 of Attachment H.
B4	Additionally, the July 2021 sewage spill was set into motion by a failure in a routine piece of equipment, and the ad hoc report noticed a buildup of debris in the pipes carrying wastewater to Hyperion, which had not been inspected or cleaned in years. Therefore, section 7.3.4.c of the Tentative Permit must be expanded to include routine maintenance and operational testing of non-emergency infrastructure as well as emergency infrastructure.	Section 1.4 of Attachment D already requires the Discharger to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of the Order/Permit. This section encompasses all non-emergency infrastructure in addition to emergency infrastructure. Section 7.3.4.c of the Tentative Order/Permit is a more prescriptive requirement, requiring the	None necessary.

#	Comments	Response	Action Taken
		<p><i>monthly</i> maintenance and operational testing for all emergency infrastructure and equipment at the facility, since emergency infrastructure may not be in operation on a regular basis. Since non-emergency infrastructure is used more regularly, maintenance may need to occur more or less frequently depending on the equipment.</p>	
B5	<p>One lesson learned from the July 2021 sewage spill is that Hyperion did not have appropriate technology to accurately monitor discharge volumes. We recommend that the Tentative Permit include a requirement for Hyperion to install the appropriate working technologies (e.g., flow gauges) in the emergency outfall, to monitor the volume of an unauthorized discharge in real time.</p>	<p>The Hyperion WRP has effluent monitoring station (EFF-001) for the 1-Mile Outfall. It is located downstream of any in-plant return flows but before entering the discharge tunnel. Recorder and totalizer are available at EFF-001 to continuously monitor the flow discharged to the 1-Mile outfall. Backup power is also available for the monitoring instruments if emergencies occur. Since flow is measured continuously, and a portion of wastewater contained in the 1-mile outfall structure is pumped back to the treatment processes, the actual volume of the spill may not be known immediately until the spill ceases and the volume of wastewater that was pumped back from the 1-mile outfall structure is determined.</p> <p>For example, during the July 2021 spill, the flow meter recorded 17 million gallons of untreated wastewater was conveyed to the 1-Mile Outfall, of which approximately 4.5 million</p>	None necessary

#	Comments	Response	Action Taken
		<p>gallons remained in the 1-Mile Outfall structure after discharge ceased. The untreated wastewater that remained in the 1-mile outfall structure did not reach the receiving water because the water in the outfall structure was pumped back through the treatment process until the conductivity of the remaining water in the outfall structure closely matched that of sea water. The actual discharge to the receiving water through the 1-Mile Outfall was then estimated by subtracting the 4.5 million gallons of water that was pumped back to the headworks from the 17 million gallons diverted to the 1-Mile Outfall. Since the untreated wastewater in the outfall structure did not reach the receiving water, this calculation is an accurate estimate of the amount of untreated wastewater that was discharged to the receiving water.</p>	
B6	<p>In the event of a future spill, the Regional Board should require within this Tentative Permit that Hyperion implement immediate accelerated monitoring for spills of a certain size, without the need for Regional Board instruction. This monitoring should include the use of rapid fecal indicator bacteria testing, modeling and measurements of currents to predict plume pathway, and additional ambient monitoring where any sewage was released (e.g. 1-mile or 5-mile</p>	<p>Section 7.3.7.b of the Tentative Order/Permit already includes requirements for the permittee to take actions to define the geographical extent of the spill's impact and to conduct immediate additional monitoring for <i>all</i> volumes of spills, overflows, and bypasses. If receiving water monitoring suggests the spill's impact reaches the shoreline, the Discharger is required to obtain grab samples at those shoreline locations to define the geographical</p>	<p>Revisions were made to the Order.</p>

#	Comments	Response	Action Taken
	<p>outfall). The Tentative Permit should, therefore, identify a spill volume significant enough to require immediate accelerated monitoring, and include an accelerated monitoring plan that can be amended as necessary in the event of a spill, but provides initial guidance to allow implementation of monitoring immediately following a spill event, given safe monitoring conditions. Further, under section 7.3.7.b of the Tentative Permit, the Regional Board should specify that shoreline monitoring be included in all “geographical extent” monitoring post spill to ensure public health is protected.</p>	<p>extent of the spill’s impact. The Permittee is also required to analyze the samples for total coliform, fecal coliform, <i>E. coli</i> (if fecal coliform tests positive), <i>Enterococcus</i>, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible, and safe). This daily monitoring is required to be conducted from the time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Public Health authorizes cessation of monitoring. To clarify that receiving water includes the shoreline, section 7.3.7 of the Order is revised. In addition, section 7.3.7 of the Order is revised to indicate that the rapid fecal monitoring test is preferred in these situations as long as an ELAP-certified lab is available to conduct the analyses.</p> <p>In addition, the Southern California Coastal Ocean Observing System monitors ocean currents in southern California using High Frequency Radar. This information is already used for oil response and recovery, U.S. Coast Guard search and rescue operations, water quality tracking, and monitoring marine protected areas. Since High Frequency Radar data is already available to monitor ocean currents, this data can be used to model a</p>	

#	Comments	Response	Action Taken
		<p>discharge plume when a spill occurs. Revisions were made to section 7.3.7.d of the Order to require an evaluation of the plume pathway using this high frequency radar data in the 30-day report following a spill.</p>	
B7	<p>During either routine monitoring or accelerated spill response monitoring, if a sampling event is missed without reasonable justification, we lose data that are necessary to understand the potential impacts of Hyperion discharge on local water quality. More importantly, missing that sampling event can allow a potential water quality exceedance to go undetected, and therefore unresolved, prolonging the negative impacts of the water quality exceedance. We understand that skipping a sampling event without reasonable justification is usually determined by the Regional Board as a monitoring violation rather than a water quality violation, and request that clarifying language be added to the permit to define how a monitoring violation is assessed, and to explain the enforcement response to such a violation.</p>	<p>The California Water Code and the State Water Board's Enforcement Policy are used to identify the appropriate type of enforcement action and liability. The Tentative Order's standard provisions and Attachment D outline enforcement actions and liability the Permittee may incur for violation of the terms and conditions of the Tentative Order, including violations relating to monitoring (see e.g. Section 7.1.2.v-aa of the Order and Section 6 of Attachment D). It is therefore unnecessary to include specific enforcement remedies in this Order/Permit.</p>	None necessary.
B8	<p>A sewershed is an area of land where all sanitary sewer lines flow to a single end point (i.e. all of the influent from Hyperion's service area flow into the Hyperion facility). Just as water quality in a lake or ocean is affected by the health of the watershed</p>	<p>The Tentative Order/Permit requires LASAN to monitor five individual influent monitoring stations (INF-001-005) to monitor the quality of influent from the five separate sewers coming into the Hyperion WRP. This monitoring</p>	Revision was made to section 2 of Attachment I.

#	Comments	Response	Action Taken
	<p>that flow into it, the water quality of the influent at Hyperion is affected by the entire sewershed. Hyperion should conduct a study to better understand the health of its sewershed, to identify any contaminants that may cause issues of poor water quality (including chemicals of emerging concern), and to explore policy solutions to reduce such contamination from the source.</p>	<p>provides valuable data regarding the characteristics of influent flow from different parts of the sewershed. In addition to monitoring at five separate influent monitoring locations, LASAN is required to manage an extensive pretreatment program to monitor industrial facilities and control pollutants at the source. LASAN must also occasionally conduct a Local Limits Evaluation to determine the need to limit pollutants discharged from industrial users to ensure the Hyperion WRP is protected from pass through and interference. Section 2 of Attachment I also requires LASAN to submit a written technical evaluation of the need to revise local limits within 180 days following the effective date of the Order/Permit.</p> <p>Since this requirement did not specify what should be included in such an evaluation, additional language was added to this section to clarify what the Los Angeles Water Board and USEPA expect to see in such an evaluation to better assess the need for new local limits.</p>	
B9	<p>We support the efforts of the City of Los Angeles to increase use of recycled water through Operation NEXT, and we want to ensure that this transition is done in the most responsible and sustainable</p>	<p>Operation NEXT will increase Hyperion WRP's potential to recycle more wastewater. Prior to making infrastructure changes, LASAN must work with the Los Angeles Water Board and</p>	<p>None necessary</p>

#	Comments	Response	Action Taken
	<p>fashion. Treated wastewater effluent remains a concern, particularly given potential negative impacts within dilution zones, where water quality violations are waived. The Tentative Permit should include an additional special study requiring Hyperion to assess current impacts of water quality violations within the outfall dilution zone and to model if and how those impacts will change as brine discharge becomes more concentrated. Results of the sewershed health study discussed above will inform this study, and should be considered in this assessment.</p>	<p>other relevant stakeholders to ensure the recycled water will comply with the requirements in Title 22 of the California Code of Regulations and to ensure the discharge will continue to meet all NPDES permit requirements with the more concentrated brine. The increased brine discharge associated with the proposed upgrades will increase the concentrations of many pollutants in the discharge, so under the direction of the Los Angeles Water Board, LASAN has been reviewing data to determine which pollutants are expected to be a concern in terms of meeting the NPDES permit requirements. LASAN developed the <i>Testing and Monitoring Plan for the Membrane Bioreactor Pilot Facility at the Hyperion Water Reclamation Plant</i> to demonstrate that the proposed treatment system needed to increase recycling at Hyperion WRP will comply with Title 22 of the California Code of Regulations and NPDES requirements. The final plan was submitted in June 2022, accepted by DDW on September 20, 2022, and accepted by the Los Angeles Water Board on October 21, 2022. The data collected from this study will indicate the quality of effluent that will be generated from the new treatment processes at the Hyperion WRP, which will be used to determine if the technology achieves the appropriate log</p>	

#	Comments	Response	Action Taken
		<p>removals for reuse and if the effluent will meet NPDES permit requirements immediately outside the mixing zone. A mixing zone is an area where an effluent discharge undergoes initial dilution, and where water quality objectives may be exceeded as long as acutely toxic conditions are prevented and water quality objectives are met at the edge of the mixing zone. The extent of a mixing zone is determined through dilution studies. Since the brine concentration will increase in the discharge as the recycled water production increases, LASAN will update their dilution study to account for any changes to the characteristics of their discharge.</p> <p>Since LASAN is currently working with the Los Angeles Water Board and other relevant stakeholders on assessing the potential changes in water quality at the Hyperion WRP, the Los Angeles Water Board and USEPA Region 9 do not see the need for including an additional study in the NPDES permit. The ongoing assessment, including an assessment of the impacts to the calculation of the dilution zone, will be evaluated as part of future NPDES permits issued as the recycled water upgrades are completed .</p>	

**Comment Letter dated September 29, 2022, from the Heal the Bay and Los Angeles Waterkeeper**

<b>#</b>	<b>Comments</b>	<b>Response</b>	<b>Action Taken</b>
C1	<p>(Dated September 29, 2022)</p> <p>The Tentative Permit continues the basic flaw of the prior permit—authorization of an enormous discharge of water to convey waste without any consideration of whether that use of water is reasonable or wasteful, as required by the California Constitution and state law. We urge these agencies to collaborate now to conduct the required waste and unreasonable use analysis as part of the Tentative Permit, and to impose permit conditions to ensure that the use of water at Hyperion—whether recycled and reused or discharged—is reasonable and not wasteful.</p>	<p>The question of what the water boards “must” do with respect to waste and unreasonable use is the subject of ongoing litigation. As a practical matter, however, the Los Angeles Water Board strongly encourages water recycling, water conservation, and use of stormwater and dry-weather urban runoff, consistent with the Water Quality Control Policy for Recycled Water (Recycled Water Policy) and Resolution Nos. 2017-0012 and R18-004 that the Los Angeles Water Board and State Water Board have adopted on these subjects – recycling, climate change, etc. The current permit requires the Discharger to evaluate the feasibility of recycling, conservation, and/or alternative disposal methods for wastewater, and/or capture and treatment of dry weather urban runoff and stormwater. The Tentative Order/Permit carries over this requirement in section 4.3.</p> <p>Section 3.7 of the Fact Sheet of the Tentative Order/Permit also briefly discusses the Discharger’s future plans for reusing the treated effluent. The current permit requires the Discharger to evaluate</p>	None necessary.

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		<p>the feasibility of additional recycled water projects and that requirement is carried over in the Tentative Order/Permit. The City of Los Angeles plans to source 70 percent of the City's water supply locally and recycle 100 percent of the City's wastewater by 2035. The Tentative Order/Permit also describes the City's water recycling projects at Hyperion WRP, including the Hyperion Advanced Water Purification Facility (HAWPF) that will produce up to 1.5 million gallons per day (MGD) advanced treated recycled water for non-potable reuse, as well as a Membrane Bioreactor (MBR) pilot testing project that is part of the efforts to build a full scale system that is planned to produce an average daily flow of 272 MGD advanced treated recycled water for potable and non-potable reuse by 2035.</p>	
C2	<p>(Dated November 9, 2022) The Water Boards should evaluate if wastewater discharge is reasonable or wasteful and prevent wasteful water use where it occurs.</p>	See response to comment #C1.	None necessary

**Comment Letter dated November 9, 2022 from the Los Angeles Waterkeeper**

<b>#</b>	<b>Comments</b>	<b>Response</b>	<b>Action Taken</b>
D1	<p>The tentative permit is subject to Chapter 1 of CEQA and should include findings as to whether or not the project has significant and unavoidable impacts. If applicable, it should identify feasible alternatives or mitigation measures that would substantially lessen those impacts. Such an analysis will ensure that permitting decisions made now will make important progress toward maximizing wastewater recycling in the Los Angeles region while preserving minimum flows in the LA River. The LA Water Board didn't consider minimum flows needed to support beneficial uses in the LA River or consider the potential environmental impacts of discharging millions of gallons of treated wastewater into the ocean everyday. The tentative permits do not mention any commitments to minimum flows in the LA River to support beneficial uses as all of the recycling water initiatives ramp up.</p>	<p>Under California Water Code section 13389, the action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of CEQA, which states:</p> <p>“Neither the state board nor the regional boards shall be required to comply with the provisions of chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of any waste discharge requirement, except requirements for new sources as defined in the Federal Water Pollution Control Act or acts amendatory thereof or supplementary thereto.”</p> <p>The Federal Water Pollution Control Act defines new sources as:</p> <p>“any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such sources, if such standard is thereafter promulgated in accordance with this section.”</p>	None necessary

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		<p>Since the Hyperion WRP is not considered a new source, the action to adopt the NPDES permit is exempt from CEQA.</p> <p>Furthermore, the California Environmental Quality Act defines a project as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...”. The Hyperion WRP is currently discharging secondary-treated water to the Santa Monica Bay under the current permit and has been discharging for years under previous permits. The renewal of the permit to allow continued discharge would not cause a direct or indirect physical change to the Santa Monica Bay.</p>	

**Comments Received from City of El Segundo and Citizens in the City of El Segundo**

#	Comments	Response	Action Taken
E1	<p>(From Elias Sassoon, Director of Public Works, City of El Segundo on October 24, 2022)</p> <p>This is in response to the subject PUBLIC NOTICE regarding NPDES Permit No. CA0109991 for Hyperion Water Reclamation Plant.</p>	<p>The investigation of the July 2021 incident is still ongoing, and the enforcement units of Los Angeles Water Board and USEPA Region 9 will take further appropriate action based on the results of their investigations.</p>	<p>Revisions were made to the Order/Permit.</p>

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	<p>Please note that shortly after the unfortunate incident of 7/11/2021 at the Hyperion, an Advisory Ad Hoc Committee was formed by the Board of Public Works, City of LA to oversee and review the investigative after-incident assessments carried out by LA Sanitation internally, as well as assessments carried out by outside consultants - with the objective of compiling a summary report with recommendations moving forward. The objective was to learn about what happened, what needed to happen, and what needs to happen so that another similar incident never happens again.</p> <p>The final report by this Committee was published on February 2022. A copy of this final report is attached. Here is a summary of the 33 recommendations which were outlined in this report:</p> <p>-Under “Capital Improvements”, the Committee recommended the following:</p> <ol style="list-style-type: none"> <li>1. Additional High Level Bypass to Grit Chamber that does not require operator interaction</li> <li>2. Reworking road to reroute flood flows and gravity flow connections to emergency storage</li> <li>3. Submarine doors to protect critical areas</li> <li>4. Securing entrances to the tunnels</li> <li>5. Redesign of screenings removal to prevent recycling</li> </ol>	<p>The ad hoc report was not required by the Los Angeles Water Board, but was a product of the ad hoc committee formed by the Board of Public Works, and was intended to provide direction to the discharger about how to improve operations, maintenance, and spill response. Nonetheless, many of the recommendations made in the ad hoc report relate to operation and maintenance of the facility, and Section 7.3.4 of the Order includes several requirements regarding operation and maintenance including having certified wastewater treatment plant operators of appropriate grade, having sufficient alternate power sources available so that the discharge of raw or inadequately treated sewage does not occur, routine maintenance and operational testing for emergency infrastructure and equipment, and a Climate Change Plan that addresses vulnerabilities of the facility to impacts of climate change.</p> <p>In addition, the section 7.3.3.b of the Tentative Order/Permit includes a requirement to submit a Spill Clean-up and Contingency Plan, which may address recommendations from the ad hoc committee regarding spills. This plan describes the activities and protocols to</p>	

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	<p>6. Install video monitoring (including closed circuit TV) to visually detect increases in bar screen loads</p> <p>-Under "Conveyance System Improvements", the Committee recommended the following:</p> <ol style="list-style-type: none"> <li>1. Repair the Problems found by Brown and Caldwell in their initial report</li> <li>2. Develop a program to use the new survey technology to monitor headworks and conveyance system</li> <li>3. Participate in nation-wide programs to identify increased accumulation in conveyance systems caused by reduced flow by reclamation and climate change</li> <li>4. Communicate findings to other agencies</li> </ol> <p>-Under "Assessment and Audits", the Committee recommended the following:</p> <ol style="list-style-type: none"> <li>1. Rank alarms and alert staff for a timely response</li> <li>2. Hyperion has had as much as 800 MGD (million gallons per day) storm flow and the plant currently treats an average of 260 MGD. Study the conveyance system to determine peak flows and assess risk to the plant from peak flows.</li> <li>3. Review needs for emergency power</li> </ol>	<p>address the clean-up of spills, overflows, and bypasses of untreated wastewater from the collection system. LASAN is required to update the SCCP with any additional procedures they plan to implement since the last update.</p> <p>In order to ensure LASAN's relevant plans and procedures are updated in consideration of the recommendations from the Ad Hoc Committee, the language in section 7.3.3.b and 7.3.4 of the Order/Permit have been revised.</p>	

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	<p>4. Analyze the event to see what additional capabilities are needed and should be added to the current capabilities of the DCS system</p> <p>5. Audit capabilities of the public information system</p> <p>-Under “Operations and Procedures-Headworks Building”, the Committee recommended the following:</p> <ol style="list-style-type: none"> <li>1. Evaluate responsibilities for the staff on duty to operate and maintain the headworks</li> <li>2. Evaluate annunciating and responding to alarms, routine “boots on the ground” inspection of key process equipment, and documentation for actions to be taken</li> <li>3. Develop a new standard operating procedure to identify best practices for using and removing barriers</li> <li>4. Evaluate and develop revised procedures as appropriate for back up screens, choppers, and spiral lifts</li> <li>5. Identify and implement improvements of documentation to ensure that all shifts practice the same procedures and communicate with each other. Develop and/or update to make sure new operators are trained for this critical function create a standard inspection round for all shifts.</li> </ol>		

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	<p>6. Evaluate and conduct reviews (i.e. quarterly or other frequency as appropriate) of logs to identify potential problems and improve communication</p> <p>7. Evaluate and develop as appropriate a specific plan of action with appropriate training for a future bar screen failure event</p> <p>-Under "Training and Staffing", the Committee recommended the following:</p> <ol style="list-style-type: none"> <li>1. Ensure back up operators are trained and cross trained for emergency response</li> <li>2. Train to recognize and respond to emergency alarms</li> <li>3. Train to coordinate system operation with DCT and Glendale treatment plants</li> <li>4. Adopt policies, protocols and training to promote a better intra and inter agency response</li> <li>5. Coordinate a protocol with LA DPH to facilitate and accelerate beach closures</li> <li>6. Develop a protocol to initiate additional water quality sampling</li> <li>7. Evaluate modeling techniques to predict will affect beach water quality</li> </ol> <p>-And finally, under "Emergency Response", the Committee recommended the following:</p>		

#	Comments	Response	Action Taken
	<p>1. Adopt policies, protocols and training to promote a better intra and inter agency response</p> <p>2. Coordinate a protocol with LA Dep of Public Health to facilitate and accelerate beach closures</p> <p>3. Develop a protocol to initiate additional water quality sampling</p> <p>4. Evaluate modeling techniques to predict will affect beach water quality</p> <p>The City of El Segundo's comment is that the "Hyperion Water Reclamation Plant" needs to implement the recommendations made by the Ad Hoc Advisory Committee in a timely manner. Further, Hyperion needs to inform public about the status of these recommendations on regular basis.</p>		
E2	<p>(From Corrie Chitlik on October 22, 2022)</p> <p>I am a parent, resident, and homeowner in El Segundo, and my beach was impacted by Hyperion's July 11th, 2021 catastrophic raw sewage spill. It is critical that in order for Hyperion's water permit to be properly implemented, the waterboard must ensure that all the Ad Hoc Advisory Committee findings have been implemented:</p> <p><a href="https://www.elsegundo.org/home/showpublisheddocument/4994/637873487581670000">https://www.elsegundo.org/home/showpublisheddocument/4994/637873487581670000</a></p>	<p>See Response to Comment #E1. In response to the comment regarding inspection of the collection system, the July 26, 2022 Notice of Violation issued by the Los Angeles Water Board addresses violations and areas of concerns identified during inspections conducted on August 24 and 25, 2021 of LASAN's Hyperion Sewer Collection System. One area of concern identified was the limited visual inspections performed by LASAN of its collection systems sewer main via closed circuit television (CCTV) as referenced in your</p>	None necessary.

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	<p>For reference, I have my BS and MS in Environmental Science with over 15 years of field experience. I have 5 years of National Pollutant Discharge Elimination System (NPDES) experience as the Environmental Laboratory Accreditation Program (ELAP) Director at AES Redondo Beach. As ELAP Director, I had extensive intake and discharge water sampling monitoring and reporting experience. One thing I learned quickly is you can't manage what you don't track. I was appalled to learn in the July 26th, 2022 Waterboard Notice of Violation WDID 3AAO10440, Order NOA. 2005-0003-DWQ and 2013-0059-EXE it was noted only 2% of the Hyperion collection systems were being inspected. This is beyond negligence.</p> <p>Please help keep our public health safe.</p>	<p>comment. Maintenance of the sanitary sewer system is addressed in Provision D.13(iv)(c) of the Sanitary Sewer System (SSS) WDRs, which states that the Enrollee must develop a rehabilitation and replacement plan that should include regular visual and TV inspections of manholes and sewer pipes. The NOV requires LASAN to immediately implement corrective and preventative actions to bring the Collection System into compliance with the SSS WDRs and to submit a report detailing the corrective actions being taken to bring the Collection System into compliance with the SSS WDRs. Failure to comply with the SSS WDRs may result in further enforcement actions that are beyond the scope of this action. The permit also requires compliance with the SSS WDRs in section 7.3.7.f. of the waste discharge requirements.</p>	
E3	<p>(From Pamela Halpern on October 23, 2022)</p> <p>Please do NOT approve Hyperions permit until they fix the myriad of issues that are causes our community to suffer, endlessly. I am a resident, and homeowner in El Segundo, and my beach and community was impacted by Hyperion's July 11th, 2021 catastrophic raw sewage spill. It is critical that in order for Hyperion's water permit to be properly</p>	<p>See response to Comment #E1.</p>	<p>None necessary.</p>

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	<p>implemented, the waterboard must ensure that all the Ad Hoc Advisory Committee findings have been implemented:</p> <p><a href="https://www.elsegundo.org/home/showpublisheddocument/4994/637873487581670000">https://www.elsegundo.org/home/showpublisheddocument/4994/637873487581670000</a></p> <p>Please help keep our public health safe.</p>		
E4	<p>(From Drew Boyles, Mayor of City of El Segundo, on October 23, 2022)</p> <p>The City of El Segundo strongly shares the sentiment that all of the recommendations made by the ad hoc committee must be implemented in a timely manner.</p>	See response to Comment #E1.	None necessary.
E5	<p>(From Elias Sassoon on November 10, 2022)</p> <p><b>Section 3.1, page 8.</b> For outfall 001 (1 mile outfall), discharge notification increased from 10 days to 30 days. This is presumably favorable for the City.</p>	<p>Modifying the requirement for LASAN to notify the Los Angeles Water Board and USEPA Region 9 prior to discharging final effluent from Discharge Point 001 during a planned diversion from 10 days to 30 days provides additional time for the Los Angeles Water Board and USEPA Region 9 to evaluate the impact of the discharge through the 1-Mile outfall in a comprehensive manner because these planned diversions may require additional monitoring and reporting depending on the duration of discharge. This modification therefore ensures that LASAN plans for</p>	None necessary.

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		discharges to the 1-mile outfall well in advance so that potential impact can be mitigated prior to the discharge. This modification does not provide any additional benefit to LASAN.	
E6	(From Elias Sassoon on November 10, 2022) <b>Section 4, page 9.</b> Various effluent limitations have changed (some have increased, others have decreased). This is not a surprise, nor does [sic] there appear to be red flags with the limits in our opinion.	The effluent limitations are updated based on the procedures contained in the 2019 Ocean Plan and consistent with the anti-backsliding requirements and the antidegradation policies.	None necessary.
E7	(From Elias Sassoon on November 10, 2022) <b>Section 6.1.1, page 20.</b> Bacteria standards have changed to be consistent with the State's guidance (i.e., utilizing the STV and geomean). This is a stricter requirement (but not a surprise, since it aligns with the State's direction).	It is accurate that bacteria standards have been revised to be consistent with the State's guidance.	None necessary.
E8	(From Elias Sassoon on November 10, 2022) <b>Section 7.3.4, page 33.</b> Added a routine maintenance and operational testing clause, basically requiring Hyperion to perform monthly maintenance and testing on emergency infrastructure and equipment. I think this is a good addition from the City's perspective. (This section	Comment noted.	None necessary.

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	also added a requirement for Hyperion to assess infrastructure vulnerability due to climate change effects.)		
E9	(From Elias Sassoon on November 10, 2022) <b>Section 7.3.7.a, page 36.</b> El Segundo was identified by name as a party that Hyperion is required to report to in case of a spill, overflow, or bypass (Section 7.3.7.a). This is good!	Comment noted.	None necessary.
E10	(From Elias Sassoon on November 10, 2022) <b>Section 8, page 41.</b> (Compliance Determination) no longer includes a TMDL paragraph. We are a bit surprised by this.	The paragraph in the Compliance Determination section of the Tentative Order/Permit was removed from the Compliance Determination section, but the relevant TMDLs still apply as explained in section 4.4.6 of the Fact Sheet. Removal from the Compliance Determination section of the Tentative Order/Permit does not mean that the permittee need not comply with TMDL WLAs as set forth in the permit.	None necessary.